

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TAMMY KITZMILLER, et al.,)
Plaintiffs,) Case No. 04-CV-2688
(Hon. Judge Jones)
v.)
(Filed Electronically)
DOVER AREA SCHOOL DISTRICT and)
DOVER AREA SCHOOL DISTRICT)
BOARD OF DIRECTORS,)
Defendants.)
)

**DEFENDANTS' MOTION IN LIMINE
TO PRECLUDE PLAINTIFFS FROM USING OR INTRODUCING
AT TRIAL NEWS MATERIALS**

Defendants move this court for an order prohibiting plaintiffs from using or introducing at trial newspaper articles, letters to the editor, editorials, and any other news material (hereinafter collectively referred to as “news materials”), including those listed on plaintiffs’ trial exhibit list.

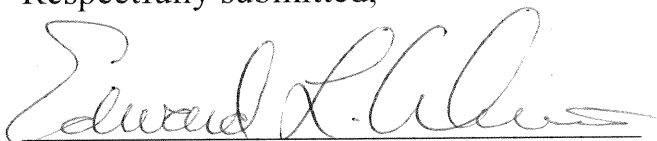
1. The news materials are hearsay, irrelevant, and are more prejudicial than probative. *E.g.*, Fed. R. Evid. 402, 403, 801, 802. Consequently, the evidence is inadmissible.

2. In support of this motion, defendants rely on their brief and exhibits, which have been filed with this motion, and the papers contained within the court file.

3. Counsel for defendants and plaintiffs were unable to reach a resolution of this motion as of the date of its filing. M.D. Pa. Local R. 7.1. A proposed order has been submitted with this motion. *Id.*

Defendants respectfully request that this court grant them the relief sought through this motion and supporting brief.

Respectfully submitted,



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Dated: September 6, 2005

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2005, a copy of the foregoing defendants' motion in limine and proposed order was served on the following counsel through the court's electronic case filing system:

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